

Appl. No. 10/10/017,225
Amdt. Dated Jan. 15, 2004
Reply to Office Action of Dec. 15, 2003

Remarks

Restriction

In this Office action, Examiner states that claims 1-16 belong to Species I and claim 17 belongs to Species II. Applicant is required under 35 U.S.C. 121 to elect a single species for prosecution.

In response to this restriction, applicant has elected claims 1-16 for prosecution and respectfully traversed as follows.

As stated in MPEP 803 "Restriction - When Proper", "There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent or distinct as claimed; and (B) There must be a serious burden on the examiner if restriction is required", thus Examiner has to show the serious burden if restriction is required. Because species I and II are essentially running with each other, it seems to the applicant there should be no such a serious burden for the Examiner when he makes the search and examines this application. Applicant respectfully requests the examiner withdraw the require restriction under such a condition.

Respectfully submitted,

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